

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<p><b>JAMES C. SHERROD,</b> <b>Plaintiff</b></p> <p><b>vs.</b></p> <p><b>BOOKER T. WASHINGTON CENTER,</b> <b>Defendant</b></p>	<p><b>Civil Action No. C.A. 04 – 208 ERIE</b></p> <p><b>Magistrate Judge Susan Paradise</b> <b>Baxter</b></p> <p><b>JURY TRIAL DEMANDED</b></p>
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**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendant, Booker T. Washington Center ("BTWC"), by and through its attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and files the within Motion for Summary Judgment pursuant to Fed.R.Civ.P. 56, of which the following is a statement:

1. The instant matter was filed on July 21, 2004.
2. The pleadings in this matter are closed.
3. Discovery in this matter is closed.
4. For purposes of the instant Motion, there remain no material facts in dispute.
5. Based on the pleadings, and the record in this matter (See attached Exhibits 1 through 17), the Plaintiff, James Sherrod ("Sherrod") has failed to state any claim upon which relief might properly be granted. Specifically:
  - a. Sherrod has failed to adduce any evidence that his termination as Executive Director of BTWC was in any way premised upon or related to his race, under either Title VII of the Civil Rights Act of 1964 (as amended) or 42 U.S.C. §1981;

- b. Sherrod has failed to support any claim for lost or unpaid wages under Pennsylvania's Wage Payment and Collection Law;
- c. Sherrod has failed to state any other claim upon which relief might properly be granted, including his claims for reputational harm and the infliction of emotional distress..

6. Accordingly, BTWC is entitled to judgment in its favor, and as a matter of law, as to all claims purportedly set forth in the instant matter.

WHEREFORE, the Defendant, Booker T. Washington Center, demands judgment in its favor and against the Plaintiff, James Sherrod, as to all claims, together with an award of costs, counsel fees, and such other relief as this Honorable Court shall deem necessary and just.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY  
& KROTO, INC.

By /s/Arthur D. Martinucci  
Arthur D. Martinucci, Esquire  
Pa. I.D. No. 63699  
2222 West Grandview Boulevard  
Erie, PA 16506-4509  
(814) 833-2222  
Attorney for the Defendant,  
Booker T. Washington Center